AN HON. MEMBER: When the evidence comes on record.

SHRI KAPIL SIBAL: When the evidence comes on record and then if the judge finds that he should proceed with the matter, he may. That also is the discretion of the judge. The prosecuting agency and the investigating agency can always proceed against a person. So, 319 cannot be an answer to not to proceed against these 19 suspects.

Then, at page 40, in the Remarks section, the ATR says:

> "Therefore, no action is called for except in the case of KP, Kumaran Padmanabhan and Subalakshmi Jagdisan. In these cases, in view of the strong observations of the Commission"—there are strong observations in every case—the Government have decided"—now, this is what is really surprising—"to entrust the multi-disciplinary monitorng agency with the responsibility"—to do what—"to decide how to proceed further in the matter—as if they don't know.

They have decided to decide. After this evidence after Justice Jain's strong findings. After they accept that there are strong observations of the Commission, they have decided to decide! It is a camouflage, Madam. They don't want to probe any, further in the matter.

It is our request, it is our demand that an investigating agency, independent in nature, be set up, the personnel of which should be appointed in consultation with us, so that we have confidence in the independence of this agency now that we have seen the records of the Jain Commission. Nothing short of this will be acceptable to us.

RE. FURTHER KILLINGS AT CHAMBA, BEAR DODA

श्री गुलाम नबी आज़ाद (जम्मू और कश्मीर): मैडम, ये बोल रहे थे इसलिए मैंने बीच में डिस्टर्ब नहीं किया लेकिन अभी इत्तिला मिली है कि डोडा के पास चम्बा में जो एडजेसेंट है, वहां 23 आदमी आज फिर दोपहर को मिलिटेंट्स द्वारा मारे गए हैं। मेरे ख्याल में हमको इस बारे में अभी नहीं लेकिन हाऊस एडजार्न होने से पहले अगर होम मिनिस्टर साहब इत्तिला दे देंगे तो हमें इस बारे में पूरी जानकारी हो सकेगी।

गृह मंत्री (श्री लाल कृष्ण आडवाणी): महोदया, थोड़ी देर पहले जब यह खबर मिली थी तो उसी समय मैंने कहा कि सारी जानकारी इकट्ठी करके शाम तक मैं दोनों सदनों को सूचना दे सकूंगा, वह जानकारी इकट्ठी हो रही है।

THE DEPUTY CHAIRMAN: This is the third or the fourth time that it has happened in Doda.

SHRI L.K. ADVANI: This is in Himachal. Of course, Chamba is *adjoining Doda.*

दोनों साथ-साथ हैं।

THE DEPUTY CHAIRMAN: It is spreading.

SHRI L.K. ADVANI: It is extremely disturbing.

THE DEPUTY CHAIRMAN: It is spreading from Doda to Himachal. It is a very serious matter.

DISCUSSION ON FINAL REPORT OF JAIN COMMISSION AND ATR—CONTD.

SHRI K.R. MALKANI (Delhi): Madam Chairperson, What happened at Seriperumbudur on 21st May, 1991 was utterly serious. It was not only a murderous assault on Mr. Rajiv Gandhi who had been the Prime Minister before, I view it as an assault on India. *...(Interruptions)...* it is good that the Jain Commission's Report is at last in our hands. I wish the Government had not delayed the functioning of the Commission by withdrawing documents etc., and the report had been with us much before this. It is also a matter of satisfaction that the Government has decided to appoint a Multi-Disciplinary Monitoring Agency to probe further into